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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/264,065 03/08/99 PESHKIN

J 20944,2200

EXAMINER

TM02/1011

ELD/DP, E	ART UNIT	PAPER NUMBER
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2631  
DATE MAILED:

10/11/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/264,065</b>	Applicant(s) <b>PESHKIN ET AL</b>
	Examiner <b>Kevin M. Burd</b>	Art Unit <b>2631</b>
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
<p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>May 12, 2001</u></p>		
<p>2a) <input type="checkbox"/> This action is FINAL.      2b) <input checked="" type="checkbox"/> This action is non-final.</p>		
<p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>		
<b>Disposition of Claims</b>		
<p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are pending in the application.</p>		
<p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p>		
<p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p>		
<p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-19</u> is/are rejected.</p>		
<p>7) <input type="checkbox"/> Claim(s) _____ is/are objected to.</p>		
<p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b>		
<p>9) <input checked="" type="checkbox"/> The specification is objected to by the Examiner.</p>		
<p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p>		
<p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved.</p>		
<p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. § 119</b>		
<p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p>		
<p>a) <input type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p>		
<p>1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p>		
<p>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>		
<p>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>*See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
<b>Attachment(s)</b>		
<p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p>		
<p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		
<p>17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p>		
<p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>		
<p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>		
<p>20) <input type="checkbox"/> Other: _____</p>		

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## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 16, lines 6-8, the application number of the application being reference to as well as the filing data must be included or the reference to the application must be removed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorniak et al (US 4,817,147).

Regarding claims 1-4, Gorniak discloses an intelligent synchronous modem on figures 1 and 4. A first port is connected to a primary communication channel for the communication of synchronous data and a second port is connected to a second communication channel for the communication of command data (column 3, line 51 to

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column 4, line 15 and column 5, lines 11-20). It is deemed inherent the modem will contain a controller to execute the received commands.

Regarding claims 5-9, 14 and 15, it is deemed inherent that the personal computer will request the data received via the modem when the received information is to be processed by the personal computer.

Regarding claims 10-13, Gorniak further discloses data being sent from a remote unit to the modem is controlled by the microprocessor. In addition, a check is done to determine if the incoming information is subpar or the like (column 6, lines 43-68). The data must be saved for a period of time to allow this check to take place. Therefore, the data is saved in the modem.

Regarding claim 16, figure 2 shows a microprocessor coupled to the communication channels.

Regarding claims 17 and 18, Gorniak further discloses data being sent from a remote unit to the modem is controlled by the microprocessor. In addition, a check is done to determine if the incoming information is subpar or the like (column 6, lines 43-68). The data must be saved for a period of time to allow this check to take place. Therefore, the data is saved in the modem.

Regarding claim 19, Gorniak discloses the channel interface is a RS232C interface. Figure 1 discloses the transmitted data from the interfaces in parallel from a serial source.

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***Contact Information***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Kevin M. Burd  
PATENT EXAMINER  
September 28, 2001



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
10/10/01